

# HOUSE BILL No. 1341

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 3-13-6-1; IC 5-8-1-19; IC 33-23-1-7; IC 33-33; IC 34-46-2-30.4.

**Synopsis:** Lake and St. Joseph superior court judges. Requires the election of superior court judges in Lake County and St. Joseph County. Repeals provisions related to the Lake County and St. Joseph County judicial nominating commissions. Continues the terms of the Lake and St. Joseph superior court judges in office on June 30, 2007, until the date the judges' terms will end under the law in effect on June 30, 2007.

**Effective:** July 1, 2007.

**Brown C**

January 26, 2007, read first time and referred to Committee on Courts and Criminal Code.

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Introduced

First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1341

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A BILL FOR AN ACT to amend the Indiana Code concerning courts and court officers.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1       SECTION 1. IC 3-13-6-1, AS AMENDED BY P.L.119-2005,  
2       SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3       JULY 1, 2007]: Sec. 1. (a) As used in this section, "judge" refers to a  
4       judge of a circuit, superior, probate, or county court.  
5       (b) If a judge wants to resign from office, the judge must resign as  
6       provided in IC 5-8-3.5.  
7       (c) A vacancy that occurs because of the death of a judge may be  
8       certified to the governor under IC 5-8-6.  
9       (d) A vacancy that occurs, other than by resignation or death of a  
10      judge, shall be certified to the governor by the circuit court clerk of the  
11      county in which the judge resided.  
12      (e) A vacancy in the office of judge of a circuit court shall be filled  
13      by the governor as provided by Article 5, Section 18 of the Constitution  
14      of the State of Indiana. However, the governor may not fill a vacancy  
15      that occurs because of the death of a judge until the governor receives  
16      notice of the death under IC 5-8-6. The person who is appointed holds  
17      the office until:

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(1) the end of the unexpired term; or  
 (2) a successor is elected at the next general election and qualified;  
 whichever occurs first. The person elected at the general election following an appointment to fill the vacancy, upon being qualified, holds office for the six (6) year term prescribed by Article 7, Section 7 of the Constitution of the State of Indiana and until a successor is elected and qualified.

(f) A vacancy in the office of judge of a superior, probate, or county court shall be filled by the governor subject to the following:

- (1) IC 33-33-2-39.
- (2) IC 33-33-2-43.
- ~~(3) IC 33-33-45-38.~~
- ~~(4) IC 33-33-71-40.~~

However, the governor may not fill a vacancy that occurs because of the death of a judge until the governor receives notice of the death under IC 5-8-6. The person who is appointed holds office for the remainder of the unexpired term.

SECTION 2. IC 5-8-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. (a) Under Article 7, Section 13 of the Constitution of the State of Indiana, whenever a circuit, superior, probate, or county court judge or prosecuting attorney has been convicted of corruption or any other high crime, the attorney general shall bring proceedings in the supreme court, on information, in the name of the state, for the removal from office of the judge or prosecuting attorney.

(b) If the judgment is against the defendant, the defendant is removed from office. The governor, the officer, or the entity required to fill a vacancy under IC 3-13-6-2 shall, subject to:

- (1) IC 33-33-2-39; **and**
- (2) IC 33-33-2-43;
- ~~(3) IC 33-33-45-38; and~~
- ~~(4) IC 33-33-71-40;~~

appoint or select a successor to fill the vacancy in office.

SECTION 3. IC 33-23-1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. "Judicial nominating commission", except as used in IC 33-33-2, ~~IC 33-33-45, and IC 33-33-71~~, means the commission described in Article 7, Section 9 of the Constitution of the State of Indiana.

SECTION 4. IC 33-33-45-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. **(a)** There is established a superior court in Lake County (referred to as "the court"

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in this chapter).

**(b) The court consists of:**

- (1) sixteen (16) judges, who shall be elected at the general election every six (6) years in Lake County; and**
- (2) the Lake County circuit court judge, if the circuit court judge chooses to sit on the superior court of Lake County.**

**(c) The term of a judge described in subsection (b)(1) begins January 1 following the judge's election and ends December 31 following the election of the judge's successor.**

**(d) To be eligible to hold office as a judge of the court, a person must be:**

- (1) a resident of Lake County;**
- (2) less than seventy (70) years of age at the time of taking office; and**
- (3) admitted to the practice of law in Indiana.**

SECTION 5. IC 33-33-71-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. **(a)** There is established a superior court in St. Joseph County.

**(b) The court consists of eight (8) judges, who shall be elected at the general election every six (6) years in St. Joseph County.**

**(c) The term of a judge begins January 1 following the judge's election and ends December 31 following the election of the judge's successor.**

**(d) To be eligible to hold office as judge of the court, a person must be:**

- (1) a resident of St. Joseph County;**
- (2) less than seventy (70) years of age at the time of taking office; and**
- (3) admitted to the practice of law in Indiana.**

SECTION 6. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2007]: IC 33-33-45-25; IC 33-33-45-26; IC 33-33-45-27; IC 33-33-45-28; IC 33-33-45-29; IC 33-33-45-30; IC 33-33-45-31; IC 33-33-45-32; IC 33-33-45-33; IC 33-33-45-34; IC 33-33-45-35; IC 33-33-45-36; IC 33-33-45-37; IC 33-33-45-38; IC 33-33-45-39; IC 33-33-45-40; IC 33-33-45-41; IC 33-33-45-42; IC 33-33-45-43; IC 33-33-45-44; IC 33-33-71-29; IC 33-33-71-30; IC 33-33-71-31; IC 33-33-71-32; IC 33-33-71-33; IC 33-33-71-34; IC 33-33-71-35; IC 33-33-71-36; IC 33-33-71-37; IC 33-33-71-38; IC 33-33-71-39; IC 33-33-71-40; IC 33-33-71-41; IC 33-33-71-42; IC 33-33-71-43; IC 33-33-71-44; IC 33-33-71-45; IC 33-33-71-46; IC 33-33-71-47; IC 33-33-71-48; IC 33-33-71-49; IC 33-33-71-50; IC 33-33-71-51; IC 33-33-71-52; IC 33-33-71-53; IC 33-33-71-54; IC 33-33-71-55;

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1 IC 33-33-71-56; IC 33-33-71-57; IC 33-33-71-58; IC 33-33-71-59;  
 2 IC 33-33-71-60; IC 33-33-71-61; IC 33-33-71-62; IC 33-33-71-63;  
 3 IC 33-33-71-64; IC 33-33-71-65; IC 33-33-71-66; IC 33-33-71-67;  
 4 IC 33-33-71-68; IC 34-46-2-30.4.

5 SECTION 7. [EFFECTIVE JULY 1, 2007] (a) **Notwithstanding**  
 6 **the amendment and repeal of provisions in IC 33-33-45 and**  
 7 **IC 33-33-71 by this act, the term of a judge in office in the:**

8 (1) **Lake County superior court; or**

9 (2) **St. Joseph County superior court;**

10 **on June 30, 2007, does not terminate until the date that the term**  
 11 **would have terminated under the law in effect on June 30, 2007.**

12 (b) **The initial election under IC 33-33-45 and IC 33-33-71, both**  
 13 **as amended by this act, to fill a judge's position on the:**

14 (1) **Lake County superior court; or**

15 (2) **St. Joseph County superior court;**

16 **is the general election immediately preceding the date on which the**  
 17 **term of the judge occupying the position on June 30, 2007, would**  
 18 **have terminated under the law in effect on June 30, 2007.**

19 (c) **This SECTION expires January 2, 2013.**

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